

Introduced by Senator Cogdill

February 26, 2009

An act to add Section 7026.13 to the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 405, as introduced, Cogdill. Contractors: fire sprinkler installation.

The Contractors' State License Law provides for the licensing and regulation of contractors by the Contractors' State License Board, and authorizes the board to institute disciplinary actions for a violation thereof. Existing law provides for special classifications within the contracting business, including the C-16 fire protection classification. Existing law prohibits a general contractor from contracting for any project that includes a C-16 fire protection classification unless he or she holds that license classification or subcontracts with an appropriately licensed contractor.

This bill would, on and after January 1, 2011, require every contractor licensed by the state as a Class C-16 fire protection contractor to employ at least one fire sprinkler supervisor for the purpose of supervising fire sprinkler installation on any project undertaken by the contractor that requires that installation. The bill would set forth the qualifications for employment as a fire sprinkler supervisor. The bill would also, on and after January 1, 2011, require those contractors to implement a fire sprinkler installation training program for his or her employees who are involved with the installation of fire sprinkler systems, with specified exemptions. The bill would require a contractor, upon request by state or local fire authorities, to show proof of employee training, and would provide that a violation of these provisions by a contractor is grounds for disciplinary action.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7026.13 is added to the Business and
2 Professions Code, to read:
3 7026.13. (a) Every contractor licensed by the state as a Class
4 C-16 fire protection contractor shall employ at least one fire
5 sprinkler supervisor for the purpose of supervising fire sprinkler
6 installation on any project undertaken by the contractor that
7 requires that installation. In order to be qualified as a fire sprinkler
8 supervisor, the employee shall have at least one of the following:
9 (1) A journeyman certification from a state or federal apprentice
10 training program or other state or federal training program for the
11 trade of fire sprinkler fitting.
12 (2) Verifiable work experience of at least 7,000 hours of
13 commercial fire sprinkler installations and passage of any
14 examination offered pursuant to a program described in subdivision
15 (b), (c), or (d).
16 (3) Verifiable work experience of at least 4,000 hours of
17 residential fire sprinkler installations and passage of any
18 examination offered pursuant to a program described in subdivision
19 (b), (c), or (d).
20 (4) Possession of a Class C-16 fire protection contractor license.
21 (b) Every contractor licensed by the state as a Class C-16 fire
22 protection contractor shall implement and maintain a fire sprinkler
23 installation training program, and shall ensure that every employee
24 employed by the contractor not described under subdivision (a)
25 who installs fire protection systems on projects undertaken by the
26 contractor attends and passes a training program and examination.
27 The structure of the training program shall consist of, at a
28 minimum, all of the following:
29 (1) Identification of the entity, organization, or person
30 responsible for implementing the training program.
31 (2) The employer's system for identifying the necessary skills
32 for the installation of fire protection systems in accordance with
33 all applicable standards for the installation in residential,
34 commercial, and industrial environments.

1 (3) An objective basis for the measurement of the knowledge
2 and skill level associated with the installation of fire protection
3 systems.

4 (4) The minimum hours of instruction and on the job training
5 needed to comply with this subdivision, as determined by the
6 employer in accordance with industry standards or regulations, if
7 adopted by the board.

8 (c) Notwithstanding subdivision (b), any employee who has
9 passed any state approved or federally approved apprenticeship
10 training program in fire sprinkler installation, or other similar
11 program of a recognized or accredited school for vocational
12 training, is deemed to have satisfied the training requirements of
13 that subdivision.

14 (d) Notwithstanding subdivision (b), any employee who is
15 currently enrolled in, or who has successfully graduated from, an
16 apprenticeship or training program in fire sprinkler fitting approved
17 by any state or the United States Department of Labor is deemed
18 to have satisfied the training requirements of subdivision (b).

19 (e) Upon request by a state or local fire authority having
20 jurisdiction over a contractor's jobsite, the contractor shall verify
21 that his or her onsite employees who are involved with fire
22 sprinkler installations are trained pursuant to the requirements set
23 forth in subdivision (a) or (b).

24 (f) This section shall have uniform force and effect throughout
25 the state. A city, county, or city and county may not enact an order,
26 ordinance, rule, or regulation requiring a person or organization
27 to obtain a certificate of registration or license from the city or
28 county or city and county for sprinkler installation.

29 (g) This section does not apply to any of the following:

30 (1) A person or organization that only sells or supplies products
31 or materials to a contractor.

32 (2) The installation or servicing of special agent fire suppression
33 systems installed in compliance with the National Fire Protection
34 Association's standards for the installation of those fire suppression
35 systems.

36 (3) Inspection activities conducted as part of an insurance or
37 engineering survey.

38 (4) Inspection activities performed by a government official as
39 part of code enforcement activities.

- 1 (5) Routine observation of the condition of fire sprinkler
2 equipment by the maintenance staff of an owner or tenant,
3 excluding mandatory five-year tests and certifications.
- 4 (h) Nothing in this section shall be deemed to limit or restrict
5 the practice of engineering by licensed or certified professional
6 engineers.
- 7 (i) Violations of this section shall constitute additional grounds
8 for disciplinary proceedings pursuant to Article 7 (commencing
9 with Section 7090), including suspension or revocation of the
10 license of a Class C-16 fire protection contractor.
- 11 (j) This section shall become operative on January 1, 2011.